

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC
Petition A-#22
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OFFICE OF PETITIONS

Examiner : Zandra V. Smith
Group Art Unit : 2877
Applicants : James L. Overbeck et al
Serial No. : 09/733,162
Filed : December 8, 2000
Attorney Docket No. : 64384.68354-002
For : OPTICAL MEASUREMENT DEVICE AND
RELATED PROCESS

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

PETITION UNDER 37 C.F.R. §1.8 TO WITHDRAW
HOLDING OF ABANDONMENT

Applicants petition the Commissioner to withdraw the holding of abandonment as advised in the Notice of Abandonment mailed August 25, 2004 on the basis that the correspondence was timely filed in accordance with 37 C.F.R. §1.8.

An Office Action was mailed in connection with the above-identified application on June 17, 2003, the shortened statutory period for a response being until September 17, 2003. The undersigned sent a complete Response to the Office on September 15, 2003 (within the period for response). Examiner Smith discussed the Office's non-receipt of the Response with the undersigned on August 17, 2004. The undersigned requested that the examiner issue a Notice of Abandonment so this Petition could be submitted and examination of the application could continue.

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Enclosed is an additional copy of the previously mailed Response and Certificate of Mailing, which certifies that the undersigned mailed the Response via first class mail to the Office on September 15, 2003.

The undersigned hereby attests on a personal knowledge basis to the previous timely mailing of the Response and Certificate of Mailing.

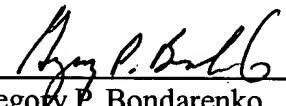
It is therefore respectfully submitted that the previously filed Response be considered timely and the holding of abandonment must be withdrawn.

Applicants believe that no additional fees are due under this Petition.

Respectfully submitted,

JAMES L. OVERBECK

By: Warner Norcross & Judd LLP



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